IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1264 of 2005

Between:

1 Maddireddy Mastan Reddy, S/o. Nagi Reddy,
R/o. Kovur Village & Mandal, Nellore District.
2 Chejarla Bujjamma, W/o. Mastan Reddy,
R/o. Kovur Village & Mandal, Nellore District.
3 Jakkamreddy Bhaskar Reddy, S/o. Ramana Reddy,
R/o. Kovur Village & Mandal, Nellore District.
4 Chejerla Pitchi Reddy, S/o. Kalapa Reddy,
R/o. Kovur Village & Mandal, Nellore District.
5 Punuru Ramana Reddy, S/o. Venkatrami Reddy,
R/o. Kovur Village & Mandal, Nellore District.
6 Vemireddy Bhaskar Reddy, S/o. Pattabhirami Reddy,
R/o. Kovur Village & Mandal, Nellore District.
7 Pallaki Sankar Reddy, S./o. Narasa Reddy,
R/o. Kovur Village & Mandal, Nellore District.
8 Vemareddy Venkata Krishna Reddy, S/o. Pattabhi Rami Reddy,
R/o. Kovur Village & Mandal, Nellore District.

... PETITIONERS

AND

1 The District Aqua Culture Authority, Rep. by its Chairman-cum-

District Collector, Nellore, Nellore District.
2 The Mandal Revenue Officer, Kovur, Kovur Mandal, Nellore District.
3 The Assistant Director of Fisheries, Nellore, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari: Call for the records vide Notice RCB/415/2000 Dt. 1-1-2005 issued by the M.R.LO. Kovur, Nellore district and quash the same as illegal, arbitrary and violative of Articles 14, 19, 21 & 300(A) of Constitution of India and consequently direct the respondents not to interfere the petitioner's cultivating fresh water Aqua culture Ponds bearing S.No. 1000/1, 940, 939, 942, 943, 944 and 945 of Kovur Village and Mandal, Nellore District.

Counsel for the Petitioners: MR.T.C.KRISHNAN
Counsel for the Respondents: GP FOR FISHERIES

The Court at the admission stage made the following :

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O R D E R:

The petitioners challenge the show-cause notice dated 1.01.2005, issued by the Mandal Revenue Officer, Kovur, whereunder the petitioners are required to show cause as to why the fish/prawn tanks, maintained by them in the survey numbers referred to therein, shall not be closed, since they have been established in the agricultural lands, without obtaining any permission. The petitioners claim to have submitted their explanations on 11.01.2005.

Heard learned counsel for the petitioners and the learned Government Pleader for Fisheries.

Except where a show-cause notice is issued by an authority not vested with the power, or where the show-cause notice is issued, contrary to any specific provision of law, the validity of the same cannot be considered in a writ petition. The petitioners have already submitted their explanations to the show-cause notice. They can be said to have suffered any grievance, if only any order is passed adverse to their interests.

Hence, the writ petition is dismissed, leaving it open to the petitioners to work out their remedies, in case the second respondent who issued the show-cause notice passes any order, adverse to the interests of the petitioners. There shall be no order as to costs.

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1st February, 2005

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To

1 The Chairman-cum-District Collector,

The District Aqua Culture Authority,

Nellore, Nellore District.
2 The Mandal Revenue Officer, Kovur, Kovur Mandal,

Nellore District.
3 The Assistant Director of Fisheries, Nellore, Nellore District.

4 Two C.Cs. to the Government Pleader for Fisheries,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies